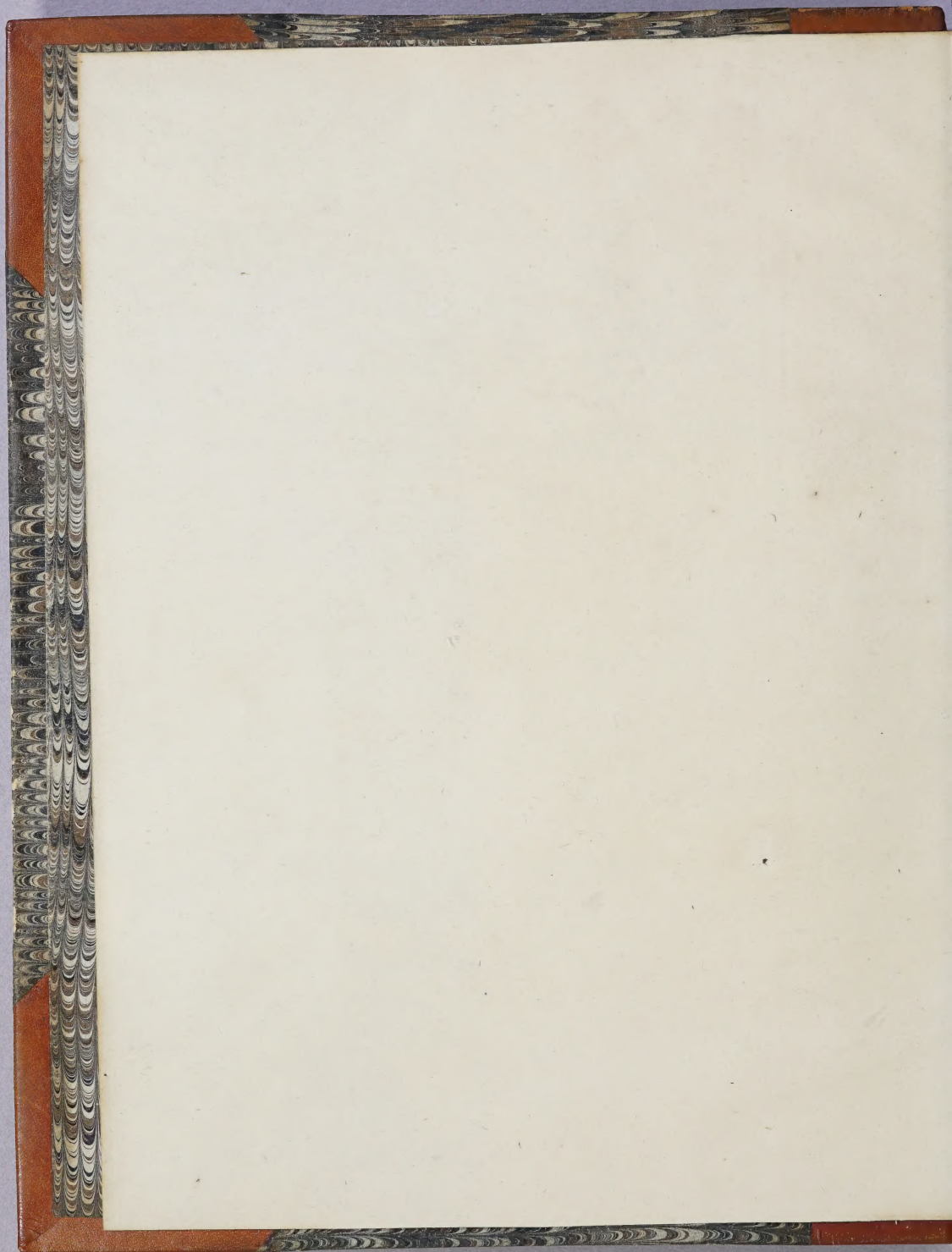


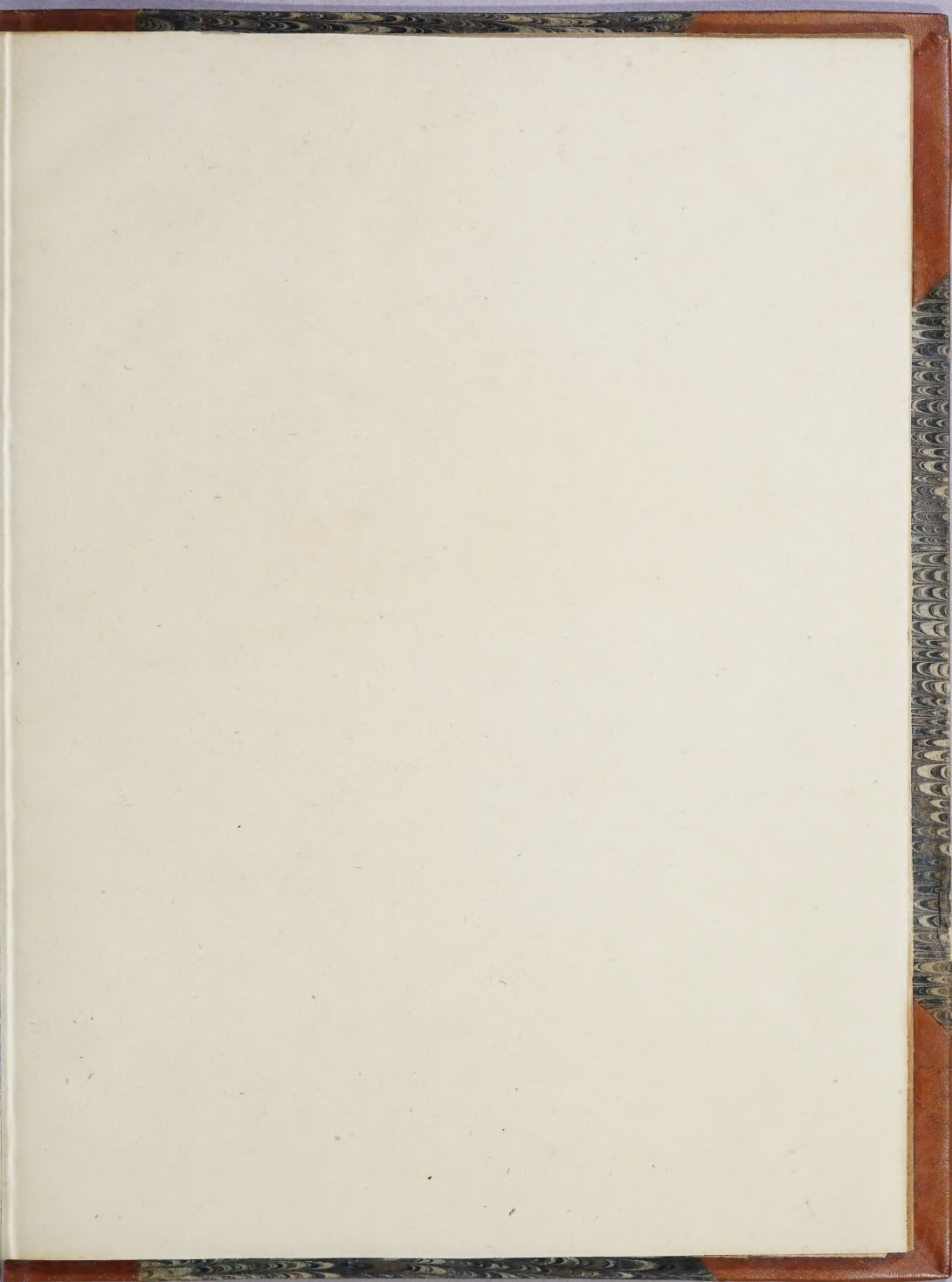




John Carter Brown.









New England
april C
6291

Photoduplication of the original
"The History of the County of Essex"
will be for the use of the
Library of the University of
Cambridge in 1855
Boston 1855

Mr. Rich says "This appears to be the first
printed collection of Laws for New England
Hutchinsons Coll^d of Tapes" contains
"An Abstract of the Laws of N^e E^d."
with but few variations from this &
Strick H. in a note says
"Was printed in London in 1655" &c &c.
Furness does not mention the
Edition of 1655.

AN
ABSTRACT 4. 5. 7. 7
(12)

OR THE
LAWES
OF
NEW ENGLAND,
As they are novv established.



LONDON,
Printed for F. Coules, and W. Ley at Paules Chain,
1641.

ABSTRACT

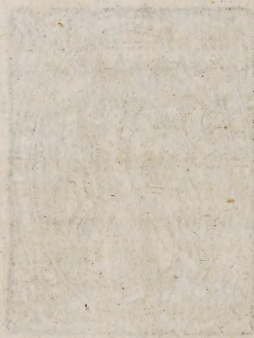
OF THE

LAWES

OF

NEW ENGLAND,

As they are now established.



Printed for R. Smith and W. Patten, Clerks.

1741.

AN ABSTRACT

Of the Lavves of Nevv ENGLAND.

CHAP. I.

Of Magistrates.

First, All Magistrates are to be chosen.

First, By the free Burgesſes.

Deut. 1. 13.

Secondly, Out of the free Burgesſes.

17. 15.

Thirdly, Out of the ableſt men and moſt approved amongst them.

Ex. 18. 21.

Fourthly, Out of the rank of Noble men or Gentle.

Ecc. 10. 17.

men among them, the beſt that God ſhall ſend into the Countrey, if ſer. 30. 23. they be qualified with gifts fit for Government, either eminent above others, or not inferior to others.

2 The Governor hath power with the Aſſiſtants to governe the whole Countrey, according to the Laws eſtabliſhed hereafter mentioned; He hath power of himſelfe, and in his abſence the Deputy Governor, to moderate all publike actions of the Common-wealth, as

First, To ſend out warrants for the calling of the generall Court.

Ioh. 24. 1.

Secondly, To order and ranſacke all actions in the Court where he ſitteth: as, to gather Suffrages and Voyces, and to pronounce Sentences according to the greater part of them.

3 The power of the Governor with the reſt of the Counſellors, is

First, To conſult and provide for the maintenance of the State and People.

Num. 11. 4
10. 16.

Secondly, To direct in all matters wherein Appeal is made to them from inferiour Courts.

Ex. 18. 22.

Deu. 17.

Thirdly, To preſerve Religion.

8, 9.

Ex. 31. 25,

A 2

Fourthly, 27.

2 Cor. 19. 4 To oversee the Forts and Muniti^on of the Countrey, and to take
 11. 32. 23. order for the protection of the Countrey from forraine invasi^on, or
 45 6. intestine sediti^on, as need shall require, with consent of the people to
 Ex. 17. 9. enterprise wars.
 Prov. 24. 5

And because these great affaires of the State cannot be attended,
 nor administred, if they be after changed; therefore the Counsellors
 1 Kings are to be chosen for life, unlessse they give just cause of removall,
 12. 6. which if they do, than they to be removed by the Generall Court.

4 The power of the Governor, sitting with the Counsellors and
 Ex. 18. 22. Assistants, is to heare and determine all causes whether Civill or
 Deu. 1. 16. Criminall, which are brought before him through the whole Com-
 17. mon-wealth: Yet reserving liberty of Appeale from him to the ge-
 nerall Court.

5 Every Town is to have Iudges within themselves, whose pow-
 Deu. 16. 18. er shall be once in the month, or in three months at the furthest to
 heare and determine both Civill Causes and Pleas of lesse value, and
 crimes also, which are not capitall: Yet reserving liberty of Appeale
 to the Court of Governor and Assistants.

6 For the better expedition and execution of Iustice, and of all af-
 Deu. 16. 18. faires incident unto every Court. Every Court shall have certaine
 1er. 36. 10. Officers, as a Secretary to inroll all the Acts of the Court; And be-
 & 12. sides Ministers of Iustice, to attach, and fetch, and set persons before
 the Magistrates; and also to execute the Sentence of the Court upon
 offenders: And for the same end, it shall be lawfull for the Governor
 1 Sam. 20. or any one or two of the Counsellors, or Assistants, or Iudges, to give
 24 25. warrant to an Officer, to fetch any delinquent before them, and to
 examine the cause, and if he be found culpable of that crime, to take
 Acts 5. 16: order by surety or safe custody for his apparance at the Court.
 27.

And further for the same end, and to prevent the offendours lying
 long in prison, it shall be lawfull for the Governor, with one of the
 Counsell, or any two of the Assistants or Iudges, to see execution
 done upon any offenders for any crime that is not capitall, according
 to the Lawes established: Yet still reserving a liberty of Appeale
 from them to the Court, and from an Inferiour Court to an Higher
 Court.

CHAP. II.

Of the free Burgesſes and free Inhabitants.

1 **F**irst, All the free Burgesſes excepting ſuch as were admitted men before the eſtabliſhment of Churches in the Countrey, ſhall be received and admitted out of the members of ſome or others of the Churches in the Countrey, ſuch Churches as are gathered or hereafter ſhall be gathered with the conſent of other Churches already eſtabliſhed in the Countrey, and ſuch members as are admitted by their own Church unto the Lords-Table.

2 Theſe free Burgesſes ſhall have power to chooſe in their owne Townes fit and able men out of themſelves, to be the ordinary Iudges of inferiour Cauſes, in their own Town, and againſt the approach of the Generall Court to chooſe two or three, as their Deputies and Committees, to joine with the Governour and Aſſiſtants of the whole Countrey, to make up and conſtitute the Generall Court.

3 This Generall Court ſhall have power,
 Firſt, By the Warrant of the Governor or deputy Governor, to aſſemble once every quarter or halfe a yeare or oftner, as the affaires of the Countrey ſhall require, and to ſit together till their affaires bee diſpatched:

2 To call the Governour and all the reſt of the publike Ma iſtrates and Officers into place, and to call them alſo to account for the breach of any Laws eſtabliſhed, or other miſdeameanour, and to cenſure them as the quality of the fact may require.

Thirdly, To make and repeale Laws.

Fourthly, To diſpoſe of all Laws in the Countrey, and to aſſigne them to ſeverall Towns or perſons, as ſhall be thought requiſite.

Fifthly, To impole a leavy of moneys, for the publike ſervice of the Common-wealth, as ſhall be thought requiſite for the proviſion and protection of the whole.

Sixthly, To heare and determine all cauſes, wherein appeale ſhall be made unto them, or which they ſhall ſee cauſe to aſſume, into their own cogniſance or judicature.

Seventhly, To aſſiſt the Governors and Counſellors in the main-

tenance of the purity and unity of Religion, and accordingly to set forward and uphold all such good causes as shall be thought fit, for that end, by the advice with consent of the Churches, and to repress the contrary.

Eighthly, In this generall Court nothing shall be concluded but with Common consent of the greater part of the Governors, or Assistants, together with the greater part of the Deputies of the Towns, unless it be in election of Officers, where the liberty of the people is to be preferred, or in judging matters of offence against the Law, wherein both parties are to stand to the direction of the Law.

Ninthly, All the householders of every Town, shall be accounted as the free Inhabitants of the Countrey, and accordingly shall enjoy freedom of Commerce and Inheritance of such lands, as the generall Court or the severall Townes wherein they dwell shall allot unto them, after they have taken an Oath, or given other security to be true and faithfull to the State, and subject to the good and wholesome Laws established in the Countrey by the generall Court.

CHAP. III.

Of the protection and provision of the Countrey.

1 First, A Law to be made (if it be not made already) for the training of all men in the Countrey fit to beare armes unto the exercise of military Discipline; and withall another Lawe to be made for the maintenance of military Officers and Forts.

2 Because fishing is the chiefe staple commodity of the Countrey, therefore all due encouragement to be given, unto such hands as shall set forwards the trade of fishing; and for that end a Law to be made. That whosoever shall apply themselves to set forward the trade of fishing, as Fisher-men, Marriners and Shipwrights, shall be allowed, man for man, or some or other of the Labourers of the Countrey, to plant and to reape for them, in the season of the yeare, at the publike charge of the Common-wealth, for the space of these seven yeares next ensuing; and such Labourers to be appointed and paid by the Treasurer of the Common-wealth.

3 Because no Common-wealth can maintaine either their authority at home, or their honour and power abroad, without a sufficient Treasury: a Law therefore to be made for the electing and furnishing

ing of the Treasury of the Common-wealth, which is to be supplied and furnished.

1 By the yearely payment.

First, Of one penny, or halfe penny an Acre of Land to be occupied throughout the Countrey.

Land in common by a Towne to be paid for out of the Stocke or Treasury of the same Town.

Secondly, Of a penny for every beast, Horse or Cow.

Thirdly, Of some proportionable rate upon Marchants.

This rate to be greater or lesse as shall be thought fit.

2 By the payment of a barrell of Gun-powder, or such goods, or other munitions out of every ship, that bringeth forraine Commodities.

3 By fines and mulcts upon trespassers beasts.

4 A Treasurer to be chosen by the free Burgessees out of the Assistants, who shall receive and keep the Treasury and make disbursements out of it, according to the direction of the generall Court, or of the Governor or Counsellors, whereof they are to give an accompt at the generall Court.

It shall pertaine also to the Office of the Treasurer, to survey and oversee all the munitions of the Countrey, as Cannons, Culvering, Muskets, Powder, Match, Bullets, and to give accompt thereof to the Governor and Counsell.

5 A Treasury also or Magazin, or Storehouse to be erected, and furnished in every Town, as *Deut.* 14. 28. distinct from the Treasury of the Church, that provision of Corne and other necessaries, may be laid up at the best hand, for the reliefe of such poore, as are not members of the Church; and that out of it such Officers may be maintained, as Captaines and such like, who do any publike service for the Town: But chiefly this Treasury will be requisite for the preserving of the livelyhood of each Town within it selfe.

That in case the Inheritance of the Lands belong to any Towne, come to be alienated from the Townesmen, which may unavoydably fall out: Yet a supply may be had and made to the livelyhood of the Town by a reasonable Rent charge, upon such alienations laid by the common consent of the Land-owners and Townesmen, and to be paid unto the Treasury of the Town.

This Treasury to be supplied.

1 First, By the yearely payment of some small rate upon Acres of Land.

2 By

2 By fines or amerciements put upon trespassours beasts.

A Town Treasurer to be appointed for the oversight and ordering of this chosen out of the free Burgeses of the same Town, who is to dispose of things under his charge, according to the directions of the Iudges of the Towne, and to give accompt at the Townes Court to the Iudges and free Burgeses of the Town or to some elected by them.

CHAP. IV.

Of the right of Inheritance.

FIRST, Forasmuch as the right of disposals of the Inheritance of all Lands in the Countrey, lyeth in the Generall Court, whatsoever Lands are given and assigned by the Generall Court, to any Town or person shall belong and remaine as right of Inheritance to such Townes and their successors, and to such persons and to their heires and Assignes as their propriety for ever.

Whatsoever Lands belong to any Town, shall be given and assigned by the Town or by such Officers therein, as they shall appoint unto any person, the same shall belong and remaine, unto such person and his heires and assignes as his proper right for ever.

3 And in dividing of Lands to the severall persons in each Town, as regard is to be had partly to the number of the persons in family : To the more assigning the greater allotment, to the fewer lesse, and partly by the number of beasts, by the which a man is fit to occupy the Land assigned to him, and subdue it : Eminent respect (in this case may be given to men of eminent quality and descent) in assigning unto them more large and honorable accommodations, in regard of their great disbursements to publike charges.

Num. 26.

53 54.

Num 35:3.

4 Forasmuch as all Civill affaires are to be administred and ordered, so as may best conduce to the upholding and setting forward of the worship of God in Church fellowship. It is therefore ordered, that wheresoever the Lands of any mans Inheritance shall fall, yet no man shall set his dwelling house above the distance of halfe a mile or a mile at the furthest, from the meeting of the Congregation, where the Church doth usually assemble for the worship of God.

5 In

5 Inheritances are to descend naturally to the next of kinne, according to the Law of Nature, delivered by God. Num. 27. 7. to 11.

6 If a man have more Sonnes than one, then a double portion to be assigned, and bequeathed to the eldest Son, according to the Law of Nature, unlesse his own demerit do deprive him of the dignity of his Birth right. Deu. 21. 17. 1 Chr. 5. 1.

7 The will of a Testatur, is to be approved, or disallowed by the Court of Governours, and Assistants, or by the Court of Iudges in each Towne; yet not to be disallowed by the Court of Governours, unlesse it appeare either to be counterfeited or unequall, either against the Law of God, or against the publike weale, or against the due right of the Legatours.

8 As God in old time, in the Common-wealth of *Israell*, forbade the alienation of Lands from one Tribe to another, so to prevent the like inconvenience in the alienation of Lands, from one Towne to another it were requisite to be ordered.

1 First, that no free Burgesse, or free Inhabitant of any Town shall sell the Land allotted to him in the Towne, (unlesse the free Burgesse of the Towne give consent unto such sale, or refuse to give due price answerable to what other offer without fraud) but to some one or other of the free Burgeses, or free Inhabitants of the same Towne.

2 That if such Lands be sold to any others, the sale shall be made with reservation of such a rent charge to be paid to the Town Stock, or Treasury of the Towne, as either the former occupiers of the Land were wont to pay towards all the publike charges thereof; whether in Church or Town, or at least after the rate of three shillings the acre or some such like proportion, more or lesse, as shall be thought fit.

3 That if any free Burgeses, or free Inhabitants of any Towne, or the heire of any of their Lands, shal remove their dwelling from one Towne to another, none of them shall carry away the whole benefit of the Lands which they possessed, from the Townes whence they remove: But if they shall keepe the right of Inheritance, in their own hands, & not sell it as before, then, they shall reserve a like proportion or Rent charge out of their Land, to be paid to the publike Treasury of the Towne, as hath beene wont to be paid out of it to the publike charges of the Town and Church, or at least after the rate of three or five shillings an Acre, as before.

4 That if the Inheritance of a free Burgesse, or free Inhabitants of any Town fall to his daughters, as it wil do for defect of heires males, that then if such daughters doe not marry to some of the Inhabitants

of the same Towne where their Inheritance lyeth, nor sell their Inheritance to some of the same Towne as before, that then they reserve a like proportion of rent charge out of their Lands to be paid to the publike Treasury of the Towne, as hath beene wont to be paid out of them, to the publike charge of the Towne and Church; or at least after the rate of three or five shillings an Acre, provided alwayes that nothing be payed to the maintenance of the Church out of the Treasury of the Church or Towne, but by the free consent and direction of the free Burgeses of the Towne.

CHAP. V.

Of Commerce.

1. First it shall be lawfull for the Governour with one or more of the Counsell, to appoint a reasonable rate of prizes upon all such commodities as are out of the Ships, to be bought and sold in the Countrey.

2 In trucking or trading with the *Indians* no man shall give them for any commodity of theirs, Silver or Gold, or any weapons of war, either Guns or Gunpowder, nor Sword, nor any other munition, which might come to be used against our selves.

3 To the intent that all oppression in buying and selling may be avoyded, it shall be lawfull for the Iudges in every Towne, with the consent of the free Burgeses to appoint certaine select men, to set reasonable rates upon all comodities, and proportionably to limmit the wages of workemen and labourers, and the rates agreed upon by them, and ratified by the Iudges. to bind all the Inhabitants of the Towne The like course to be taken by the Governour, and Assistants, for the rating of prizes throughout the Countrey, and all to be confirmed if need be by the generall Court.

4 Just waight and ballances to be kept betweene buyers and sellers, and for default thereof the profit so wickedly and corruptly gotten, with as much more added thereto, is to be forfeited to the publike Treasury of the Common-wealth.

5 If any borrow ought of his neighbour upon a pledge, the lender shall not make choyce of what pledge he will have, nor take such pledge as is of dayly necessary use unto the debtor, or if he do take it, he shall restore it againe the same day.

Lev. 19. 35.
26.
Pro. 11. 1.
and 16. 11.
and 20. 10.
Deu. 24. 10
11, 12, 13.
Exod. 22.
26, 27.

6 No increase to be taken of a poore brother or neighbour, for any thing lent unto him. Ex. 22. 25.
Lev. 25. 36

7 If borrowed goods be lost or hurt in the owners absence, the borrower is to make them good, but in the owners presence wherein he seeth his goods no other wise used than with his consent, the borrower shall not make them good: If they were hired, the hire is to be paid and no more. Ex. 22. 14.
15.

CHAP. VI.

Of Trespasses.

1 If a man's Swine or any other beast, or a fire kindled, breake out into another mans field or corne, he shal make full restitution both of the dammage made by them, and of the losse of time, which others have had in carrying such Swine or beasts unto the owners, or to the fould. Ex. 22. 5, 6.

But if a man put his beasts or Swine into anothers field, restitution is to be made of the best of his owne, though it were much better than that which were destroyed or hurt.

2 If a man kills another mans beast, or digge and open a pit, and leave it uncovered, and a beast fall into it; he that killed the beast, or the owner of the pit shall make restitution. Lev. 24. 18
Ex 21. 34.

3 If any man's beast kill the beast of another, the owner of the beast shall make restitution. Exo. 21. 35

4 If a man's Oxe or other beast, gore or bite and kill a man or a woman, whether Child or of riper age, the beast shall be killed, and no benefit of the dead beast reserved to the owner, but if the Oxe or beast were wont to push or bite in times past, and the owner hath beene tould it, and hath not kept him in; then both the Oxe or beast shall be forfeited and killed, and the owner also put to death, or fined to pay what the Iudges and the persons dampnified shall lay on him. Ex. 21. 28,
29, 30, 31.

5 If a man deliver goods to his neighbour to keepe, and they be said to be lost or stolne from him, the keeper of the goods shall be put to his oath touching his own innocency, which if he take, & no evidence appeare to the contrary, he shall be quit, but if he be found false or unfaithfull, he shall pay double unto his neighbour. Ex 7. 2. 11
1.

But if a man take hire for the goods committed to him, and they be stolne, the keeper shall make restitution: But if the beast so kept for hire dye or be hurt, or be driven away, no man seeing it, then

oath shall be taken of the keeper, that it was without his default, and it shall be accepted: but if the beast be torne in pieces, and a peece be brought for witness, it excludeth the keeper.

CHAP. VII.

Of Crimes.

ANd first, of such as deserve capitall punishment; or cutting off from a mans people, whether by death or banishment.

- 1 First, Blasphemy which is a cursing of God by Atheisme or the like, to be punished with death. *Blasphemy. Lev. 24. 11 to 16.*
- 2 Idolatry to be punished with death. *Idolatry. Deu. 13. 10 to 16.*
- 3 Witchcraft which is fellowship by covenant with a familiar Spirit to be punished with death. *Witchcraft. Ex. 22. 18.*
- 4 Consulters with Witches not to be tolerated, but either to be cut off by death, or by banishment. *Consulters with Witches. Ex. 22. 18.*
- 5 Heresie which is the maintenance of some wicked errors, overthrowing the foundation of Christian Religion, which obstinacy if it be joyned with endeavour, to seduce others thereunto, to be punished with death: because such an Hereticke no lesse than an Idolater seeketh to thrust the soules of men from the Lord their God. *Heresie. Zac. 13. 3.*
- 6 To worship God in a molten or graven Image, to be punished with death. *False worship. Ex. 32. 27, 28.*
- 7 Such members of the Church, as doe wilfully reject to walke after due admonition, and conviction, the Churches establishment, and their christian admonition and censures, shall be cut off by banishment. *Scandalous liuers. 1 Cor. 5. 5.*
- 8 Whosoever shall revile the Religion and Worship of God, and the Government of the Church as it is now established, to be cut off by banishment. *Revilers of Religion.*
- 9 Wilfull perjury, whether before the judgement seat or in private conference, to be punished with death. *Wilfull perjury.*
- 10 Rash perjury whether in publike or in private, to be punished with banishment, just it is that such a mans name should be cut off from his people, who prophans so grossly the name of God before his people. *Rash perjury.*
- 11 Profaning of the Lords day, in a carelesse and scornfull neglect or contempt thereof to be punished with death. *Sabbath breakers. Num. 15. 32.*
- 12 To

12 To put in practice the betraying of the Countrey, or any principall fort therein to the hand of any forraigne State, *Spanish, French, Dutch,* or the like: contrary to the allegiance we ow, and professe to *our* Dread Sovereign Lord King *Charles,* His Heires and Successors; whilst he is pleased to protekt us as his loyal subjects, to be punished with death.

13 Vnreverend and dishonorable carriage to Magistrates, to be punished with banishment for a time, till they acknowledge their fault, and professe reformation.

14 Reviling of the Magistrates in highest ranke amongst us, to wit of the Governours and Counsell to be punished with death.

15 Rebellion, Sedition, or Insurrection, by taking up armes against the present Government established in the Countrey to be punished with death.

16 Rebellious children whether they continue in riot or drunkennesse after due correction from their parents, or whether they curse or smite their Parents, to be put to death.

17 Murder which is a wilfull man-slaughter, not in a mans necessity and just defence, nor casually committed, but out of hatred or cruelty, to be punished with death.

18 Adultery which is the defiling of the marriage bed, to be punished with death. Defiling of a woman espoused, is a kind of Adultery, and punishable by death, of both parties; but if a woman be forced, then by the death of the man only.

19 Incest, which is the defiling of any neer of kin, within the degrees prohibited in *Leviticus,* to be punished with death.

20 Unnaturall filthinesse, to be punished with death, whether Sodomy, which is carnall fellowship of man with man, or woman with woman.

Or Buggery which is carnall fellowship of man or woman, with beasts or fowles.

21 Pollution of a woman known to be in her flowers to be punished with death.

22 Whordome of a maiden in her fathers house, kept secret till after her marriage with another, to be punished with death.

23 Man-stealing to be punished with death.

24 False witness bearing to be punished with death.

CHAP. VIII.

Of other Crimes lesse hainous such as are to be punished with some Corporall punishment or Fine.

- F**irst rash and prophane swearing and cursing to be punished.
- 1 First, with losse of honour, or office, if he be Magistrate, or Officer: meet it is, their name should be dishonoured who dishonour Gods name.
 - 2 With losse of freedom.
 - 3 With disability to give Testimony.
 - 4 With corporall punishment either by stripes, or by branding him with a hot iron, or boring through the tongue, who hath bored and pierced Gods name.
- 2 Drunkenesse, as transforming Gods Image into a beast, is to be punished with the punishment of beasts: A whip for the horse, and a rod for the fooles backe.
- 3 Forcing of a maid or a rape is not to bee punished with death by Gods Law, but
- 1 First, with Fine or penalty to the father of the maid.
- Deut. 22. 8 2 With marriage of the maide defiled, if shee and her father consent.
9. 3 With corporall punishment of stripes for his wrong, as a reall slander: And it is worse to make a whore, than to say one is a whore.
- Ex. 22. 16. 4 Fornication to be punished.
- 1 First, with marriage of the maide, or giving her a sufficient Dowrie.
 - 2 Secondly, with stripes though fewer, from the equity of the former Cause.
 - 5 Mayming or wounding of a freemar, whether free Burgesse, or free Inhabitant, to be punished with a Fine; to pay
- Ex. 21. 18, First, for his cure.
19. Secondly, for his losse,
- Lev. 24. 9. And with losse of member for member, or some valuable re-
20. compence.
- Ex. 21. 26. But if it be but the mayming or wounding of a servant, the ser-
27. is to go forth free from such a service.

6 If a man steale a beast, if it be found in his hand, he shall make re- Ex 22, 4,
stitution two for one, if it be kild & sould; restitution is to be made, of & 1, 22, 3.
five Oxen for one: If the Theefe be not able to make restitution, then
he to be sould by the Magistrate for a slave, till by his labour he may
make due restitution.

7 If a Theefe bee found breaking a house by night, if he be slaine, Ex. 22, 2, 3
his smiter is guiltlesse, but in the day time, the Theefe is to make
full restitution, as before, or if he be not able, then to be sould as before.

8 Slanders are to be punished,

First, with a publike acknowledgment as the slander was publike.

Secondly, by mulcts or Fine of Money, when the slander bringeth
damage.

Thirdly, by stripes if the slander be grosse, or odious, against such
persons whom a man ought to honour and cherish: whether they
be his Superiours, or in some degrees of equality with himselfe and
his wife.

CHAP. IX.

*Of the triall of Causes, whether Civill or Criminall, and the execu-
tion of Sentence.*

1 IN the tryall of all Causes, no judgement shall passe, but either Deu. 19, 10
upon confession of the party, or upon the Testimony of two 17. 6.
witnesses.

2 Triall by judges shall not be denied, where either the delinquent
requireth it in causes Criminall, or the Plaintife or Defendant in
Civill causes, partly to prevent suspicion of partiality, of any Magi-
strates in the Court.

3 The Jurours are not to be chosen by any Magistrates, or Officers,
but by the free Burgeses of each Town, as can give best light, to the
Causes depending in Court, and who are least obnoxious to suspicion
of partiality: And the Jurours then chosen, to be nominated to the
Court, and to attend the service of the Court.

4 The sentence of judgement given upon Criminall causes, and
persons shall be executed in the presence of the Magistrates, or some
of them at least.

5 No free-man whether free-Burgess, or free-Inhabitant, to be imprisoned, but either upon conviction or at least probable suspicion, or some crime formerly mentioned, and the cause of his imprisonment, be declared and tried at the next Court following, at the furthest.

6 Stripes are not to be inflicted, but when the crimes of the offender are accompanied with childish or brutish folly, or with lewd filthiness, or with stubborn insolency, or with brutish cruelty, or with idle vagrancy: But when stripes are due, not above 40 are to be inflicted.

CHAP. X.

Of causes Criminall between our People and Forraigne Nations.

Mat. 7.12. **I**N case any of our people should do wrong to any of another Nation, upon complaint made to the Governour or some other of the Counsell or Assistants, the fact is diligently to be inquired into, and being found to be true, restitution is to be made of the goods of offenders, as the case shall require, according to the quality of the crime.

Deuter. 20. 2 In case the people of another Nation have done any important wrong, to any of ours, right is first to be demanded of the Governor of that people, and Justice upon the malefactors, which if it be granted and performed, then no breach of peace to follow.

10, 11.
2 Sam. 20.
18, 19.

3 If right and Justice be denied and it will not stand with the honour of God and safety of our Nation, that the wrong be passed over, then war is to be undertaken and denounced.

Deut. 20.
2, 3, 4.

4 Some Minister is to be sent forth to go along with the Army for their instruction and encouragement.

Deut. 20.
5, 6, 7, 8.
& 24, 5.

5 Men betrothed and not married, or newly married, or such as have newly built or planted, and not received the fruits of their Labours, and such as are fainthearted men, are not to be pressed or forc'd against their wils to go forth to wars.

6 Captaines are to be chosen by the Officers.

Deut. 23.
9, 14.

7 All wickednesse is to be removed out of the Campe by severe discipline.

2 Chro. 25.
7, 8.

8 And in war from men of a corrupt or false Religion, is not to be accepted, much lesse sought for.

9 Women

9 Women, especially such as have not lye[n] by man, little children Deu. 20. 14
and cattell are to be spared and reserved for spoyle.

10 Fruit Trees, whilst they may bee of use for meat to our owne Deut. 20.
Souldiers, are not to be cut down or destroyed, and consequently no 19. 20.

Corne.

11 The spoyles got by warre are to be divided into two pars, be- Num. 31.
tween the Souldiers and the Common-wealth that sent them forth. 21.

12 A Tribute from both is to be levyed to the Lord, and given to Num. 31.
the Treasury of the Church, a fift part out of the Common-wealth's 18. & 47.
part, and a 500 part out of the Souldiers part.

13 If all the Souldiers return again in peace, not one lacking, it is
acceptable to the Lord, if they offer over and above the former Tri-
bute, a voluntary oblation unto the Treasury of the Church for a me-
moriall of the Redemption of their lives, by the especial providence
and Salvation of the Lord of Hosts.

{ The Lord is our Iudge,
The Lord is our Law-giver,
{ The Lord is our King, He will save us.

Isay. 33. 22.

C

FINIS.



The Table of the Chapters.

Of Magistrates. Page 1

Of the free Burgeſſes and free Inhabitants. 2

Of the protection and proviſion of the Countrey. 3

Of the right of Inheritance. 4

Of Commerce. 5

Of Treaſſes. 9

CHAP.

The Table of the Chapters.

CHAP. VII.

Of Crimes.

10

CHAP. VIII.

Of other Crimes lesse hainous such as are to be punished with some Corporall punishment or Fine.

12

CHAP. IX.

Of the triall of Causes, whether Civill or Criminall, and the execution of Sentence.

13

CHAP. X.

Of the Causes Criminall betweene our People and Forraine Nations.

14

FINIS.

1750
1751
1752
1753
1754

The Tenth of the
Great VII.

Great VIII.

Great IX. and Great X. and Great XI. and Great XII.

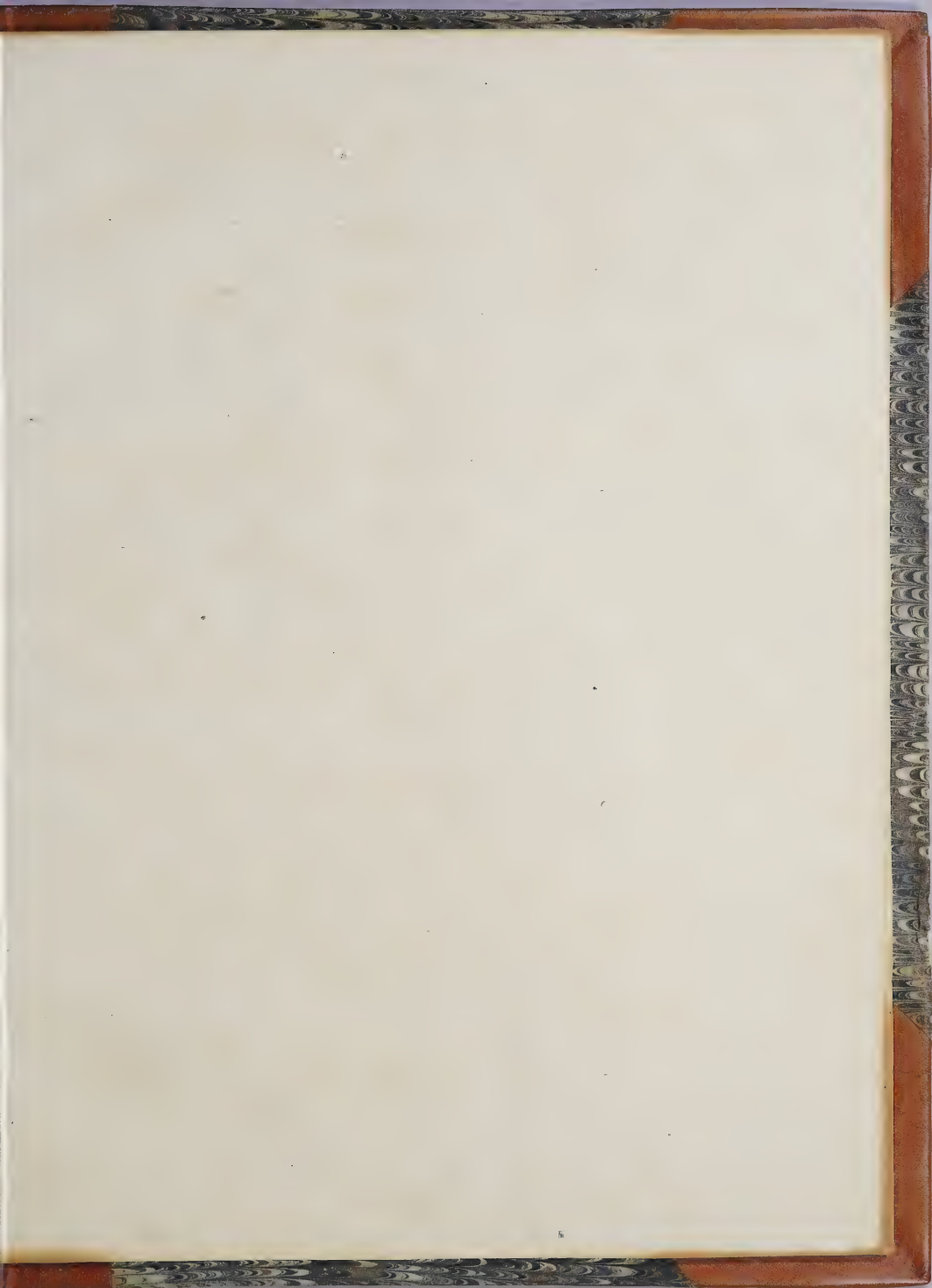
Great XIII.

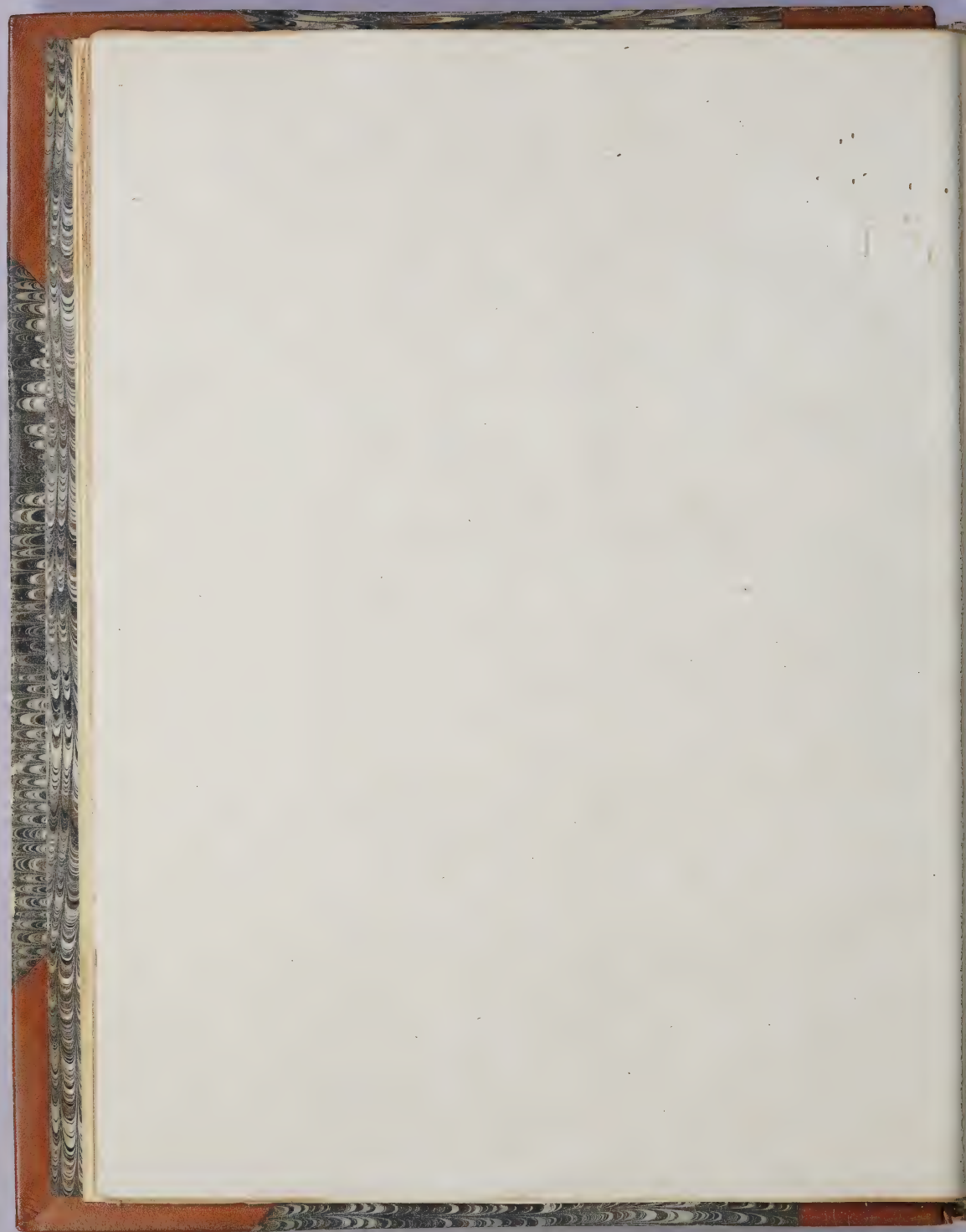
Great XIV. and Great XV. and Great XVI. and Great XVII.

Great XVIII.

Great XIX. and Great XX. and Great XXI. and Great XXII.

Great XXIII.









D641

C851a

[R]





